

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration of this application in view of the present amendments and the following remarks. Claims 2-14, 17-19, 32-34 and 43-45 have been indicated as containing allowable subject matter. By this amendment, claims 1, 15, 16, 20, 21, 23, 29, 31, 35, 36, 40, 42 and 46 are amended. Upon entry of this amendment claims 1-46 are pending in this case, with claims 1, 16, 23 and 36 being independent claims. Because no claims are added by this amendment, it is believed that no additional fees are due for the consideration of this paper. However, if additional fees are due, the Commissioner is authorized to charge such fees to deposit account number 13-2855.

Claim Amendments

It is respectfully submitted that the claims as amended above are supported by the application as originally filed in the Patent Office on October 31, 2003, that the amended claims satisfy the written description requirement and the other requirements of 35 U.S.C. § 112, and that no new matter is being added. Claims 1, 15, 16, 20, 21, 23, 29, 31, 35, 36, 40, 42 and 46 are amended to remove variations of “adapted” and “being adapted” to more clearly recite the corresponding limitations already present within the claims. The amendments to the claims are supported at least by the claims as originally filed. For these reasons, claims 1, 15, 16, 20, 21, 23, 29, 31, 35, 36, 40, 42 and 46 as amended are supported by the specification as originally filed and do not necessitate additional searching by the Examiner. Therefore, Applicants respectfully submit that the amendments to the claims do not present new matter and do not raise new issues, and respectfully request entry of the present amendments and consideration of the claims as amended.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1, 16, 21 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,932,711 (Goebel), claims 15 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Goebel in view of U.S. Patent No. 4,394,966 (Heimberg), claims 23-30 and 36-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,443,207 (Cheng et al.) in view of U.S. Patent No. 5,791,022 (Bohman),

claims 31 and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheng et al. in view of Bohman and further in view of Goebel, and claims 35 and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheng et al. in view of Bohman and Goebel and further in view of Heimberg. Applicants respectfully request reconsideration in view of the present amendments and the following remarks, and respectfully submit that pending claims 1, 15, 16, 20-31, 35-42 and 46 are not properly rejectable over the applied references for the following reasons.

Regarding the rejection of claims 1, 16, 21 and 22, Applicants respectfully submit that Goebel does not disclose or suggest a bottom rail as recited in independent claims 1 and 16. Claims 1 and 16 recite that the bottom rail is moveable to a first position wherein the bottom rail encircles the cover to prevent the covering from being extended to its extended position. Applicants respectfully submit that the strip of pliant fabric 28 and batten 30 identified in the Office action as corresponding to the bottom rail recited in claims 1 and 16 is not capable of encircling the pliant fabric cover 22 and does not prevent extension of the cover 22. As shown in Fig. 4 of Goebel, the pleated fabric 28 and batten 30 are not long enough to encircle the pleated fabric 22 due to the presence of the tube 20, even when the tube 20 is not attached to the Velcro 46, and Goebel does not disclose or suggest either extending the pleated fabric 28 or removing the tube 20 and, correspondingly, detaching the string 41. Further, the purpose of the pliant fabric 28 is to extend over the tube 20 when the pleated fabric 22 is collapsed to present a pleasing appearance, but the pliant fabric 28 is not disclosed or suggested as being attached to the dashboard or otherwise configured to prevent the covering from being extended. (*See* Goebel, col. 4, lines 25-45). Such prevention is not required of the pliant fabric 28 since the string 41 and tension means within the tube 20 pull the pleated fabric 22 toward and retain the pleated fabric 22 in the retracted position. For these reasons, Goebel does not teach or suggest a bottom rail as recited in claims 1 and 16, and withdrawal of the rejections of claims 1 and 16 and the claims depending therefrom in view of Goebel is respectfully requested. For similar reasons, claims 31 and 42 are neither anticipated nor rendered obvious by the combination of Goebel with Cheng et al. and Bohman and, consequently, the rejection of claims 31 and 42 should also be withdrawn.

Goebel also fails to disclose or suggest a bottom rail having tabs extending outwardly beyond the outer edges of the cover as recited in dependent claims 21 and 22. As illustrated in Goebel, the pleated fabric 28 and batten 30 are either flush with the outer edges of the pleated fabric cover 22 (Fig. 1), or narrower than the outer edges of the pleated fabric cover 22 (Fig. 2, illustrating the pleated fabric cover 22 being tapered to fit the entire area of the windshield). Further, Goebel does not suggest extending the pliant fabric 28 and batten 30 outwardly for any reason, let alone to provide tabs that may be disposed over the outer edges of the cover 22 or that include holes. For this additional reason, claims 21 and 22 are neither anticipated nor rendered obvious by Goebel, and withdrawal of the rejection of these claims is respectfully requested.

Turning to the rejection of claims 23-30 and 36-41, Applicants respectfully submit that the Cheng et al. and Bohman references in combination do not disclose or suggest a bottom rail having a slot with a width less than the thickness of a cord to support the weight of the bottom rail and accumulated portion of the cover as recited in independent claims 23 and 36. Cheng et al. teach a cord 17 engaged by a separate stop 20, being secured by tape 23, or having a knot 17d engaged by slots 30 in the bottom slat 19, and do not suggest reconfiguring the hole 18 to have a portion that is narrower than the cord 17. Such a modification of the hole 18 is unnecessary in view of the engagement by the jaws 20a of the stop 20 or the wider slots 30. Bohman essentially teaches mechanisms that may be substituted for the stop 20, and also does not suggest modifying a bottom rail of a temporary window shade to include a slot engaging a cord in the manner recited in claims 23 and 36. Bohman discloses various tubular bodies, such as locking mechanisms 1, 21, 31, 51 and 71, for example, having external cavities as opposed to the internal jaws 20a of Cheng et al.'s stop 20. Bohman offers no suggestion of modifying a bottom rail with a similar cavity. The fact that Cheng et al. may be modified with a narrow slot is not sufficient to render claims 23 and 36 and the claims depending therefrom obvious in view of Cheng et al. and Bohman without actual evidence of a suggestion or motivation for combining the references in the manner proposed in the Office action. For this reason, Applicants also respectfully request the withdrawal of the rejections of claims 23, 36 and the claims depending therefrom.

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of the claims and allowance of the currently pending claims are respectfully requested. Should the Examiner wish to discuss the foregoing or any matter of form in an effort to advance this application towards allowance, she is urged to telephone the undersigned at the indicated number.

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Respectfully submitted,

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